

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:24-cv-00132
GOCHA ALLEN RAMIREZ,) (
ALEXANDRIA LYNN BARRERA,) (
RENE FUENTES, and STARR) (
COUNTY, TEXAS) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
LENARD FUENTES
MAY 2, 2025

ORAL AND VIDEOTAPED DEPOSITION OF LENARD
FUENTES, produced as a witness at the instance of the
PLAINTIFF, taken in the above-styled and numbered cause
on MAY 2, 2025, between the hours of 10:04 a.m. and
4:07 p.m., reported stenographically by DONNA McCOWN,
Certified Court Reporter No. 6625, in and for the State
of Texas, at Bryant & Stingley, Inc., 701 East
Harrison, Suite 200, Harlingen, Texas, pursuant to the
Federal Rules of Civil Procedure and any provisions
stated on the record or attached therein.

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10:51 1 A. Yes, it would have been that same day.

10:51 2 Q. Yeah. I don't need a time, Lenard. Don't
10:51 3 worry about that.

10:51 4 A. I don't remember who I sent or how I sent it.
10:51 5 I know who I sent. But when I sent them or when I told
10:52 6 them, I just don't -- I can't give you a definite
10:52 7 answer on that. I'm sorry.

10:52 8 Q. That's fine. And when you say, "I sent Esmer
10:52 9 to talk to -- to him," what -- or to them, who did you
10:52 10 send Esmer to speak with?

10:52 11 A. With him and with Martha Torres, I believe.

10:52 12 Q. Okay. And did she go?

10:52 13 A. Yes.

10:52 14 Q. Okay. Why did you send Esmer?

10:52 15 A. Because she was the one that was in the office
10:52 16 at that time, I believe.

10:52 17 Q. Okay. Was she -- other than her being in the
10:52 18 office, was there any other reason why she was assigned
10:52 19 to this case?

10:52 20 A. No, ma'am.

10:52 21 Q. Okay. Did -- you didn't take into account the
10:52 22 fact that it was, you know, an abortion, sensitive
10:52 23 female matter, so you just -- you used a female
10:52 24 investigator?

10:52 25 A. No, ma'am. I mean, we -- we assign sexual

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11:15 1 Q. Okay.

11:15 2 A. And I'll be very honest with you. I didn't
11:15 3 know what we were dealing with. That's why we decided
11:15 4 to call the DA's office.

11:15 5 Q. Okay. Well, I'm going to go back to that time.
11:15 6 You know, Deputy Rosa gives you a call and says, you
11:15 7 know, "We've got this going on. I had a report. This
11:15 8 nurse thinks it's SB 8. I don't know what to do
11:15 9 with" -- and, again, I'm just summarizing.

11:16 10 Did -- trying -- I'm trying to figure out
11:16 11 how to rephrase this question. Did you at any point
11:16 12 read Deputy Rosa's narrative?

11:16 13 A. No, ma'am. This is the first time I read it.

11:16 14 Q. Okay. Well, you -- you looked at it, and I
11:16 15 want to state here, if you'll follow along, the second
11:16 16 paragraph. Ranell Rosa, "I later spoke with Starr
11:16 17 County Memorial Hospital charge nurse Martha Torres.
11:16 18 Martha stated she wishes to document a report in
11:16 19 regards to Texas abortion restriction law." Do you see
11:16 20 that?

11:16 21 A. Uh-huh.

11:16 22 Q. Okay. I'm going to skip a little bit to go
11:17 23 down. A couple of lines later, it says, "Lizelle later
11:17 24 stated to the physician she had inserted an unknown
11:17 25 pill into her vaginal cavity which she purchased in the

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12:32 1 Martha Torres. Is there anything that you recall from
12:32 2 the interview that Investigator Aguirre -- that is not
12:32 3 in Investigator Aguirre's report?

12:32 4 A. Not that I'm aware of, ma'am.

12:33 5 Q. And how did you -- from an investigative
12:33 6 standpoint, after speaking with Martha Torres, what
12:33 7 were your impressions about this investigation?

12:33 8 A. Still confused about it, ma'am.

12:33 9 Q. Okay.

12:33 10 A. You know.

12:33 11 Q. So can you -- can you tell me what was your
12:33 12 confusion at that time?

12:33 13 A. The -- whether if it was considered a fetus or
12:33 14 if it was considered a person.

12:33 15 Q. And why would that have mattered?

12:34 16 A. Because of the way the law was reading, right,
12:34 17 or the way -- not the law was reading, but what was
12:34 18 going on in the media, what I would hear. Not what I
12:34 19 was reading.

12:34 20 My understanding was that in a case, if it
12:34 21 was a fetus, you were okay with the abortion. You were
12:34 22 okay with inducing it. You're okay with that. But if
12:34 23 it was considered a child or a person already, then you
12:34 24 may have some issues, right?

12:34 25 So that's where I didn't know -- I

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12:34 1 couldn't distinguish what was what. I didn't know.
12:34 2 That's why the clarification we needed from the DA's
12:34 3 office.

12:34 4 Q. And just to kind of further clarify your
12:34 5 answer. This is from a legal or law enforcement
12:34 6 standpoint, not from a religious or moral standpoint,
12:34 7 correct?

12:34 8 A. Yes. And this is my -- my standpoint on it,
12:34 9 right?

12:34 10 Q. Right.

12:34 11 A. As far as with my work experience or
12:34 12 whatever --

12:34 13 Q. And that's why I want to limit it --

12:34 14 A. -- I just want to know.

12:34 15 Q. -- to work, right? I know there was a lot
12:35 16 going on at the time with regard to a change in the
12:35 17 law. There was a lot of people on one side or the
12:35 18 other.

12:35 19 And based on your response, it was kind of
12:35 20 like, well, it depends how the fetus is defined. And I
12:35 21 want to just be clear that your response has to do with
12:35 22 the legal definition --

12:35 23 A. Yes.

12:35 24 Q. -- the law enforcement definition?

12:35 25 A. Yes.

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12:35 1 Q. Okay. Now, you said that you knew if it was
12:35 2 characterized as fetus -- as a fetus, this was an
12:35 3 abortion?

12:35 4 A. Well, no, not that I knew. What I meant to
12:35 5 say, like it's -- that that's what I had heard, right?
12:35 6 If I said I knew, let me rephrase that.

12:35 7 Q. No, no problems.

12:35 8 A. It's just that that was kind of like my
12:35 9 understanding of what I had been seeing on the news and
12:35 10 hearing from what they were proposing for the new laws
12:35 11 and stuff like that.

12:35 12 Q. And at that time, you knew that the new law was
12:35 13 a proposal, correct?

12:35 14 MS. ALBIN: Objection. That's not what he
12:35 15 testified to.

12:35 16 MS. GARZA: This is a new question.

12:35 17 A. I wasn't sure.

12:35 18 MS. ALBIN: Well, that wasn't a question.
12:36 19 That was a statement.

12:36 20 Q. I asked, you knew that this was a proposed new
12:36 21 law, correct?

12:36 22 A. I wasn't sure of where it stood.

12:36 23 Q. So at the time -- in January of 2022, were you
12:36 24 uncertain as to whether an abortion was legal in Texas?

12:36 25 A. Yes.

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12:36 1 Q. Was the DA's office able to give you a
12:36 2 clarification as to whether abortion was legal in
12:36 3 Texas --

12:36 4 A. During --

12:36 5 Q. -- during this investigation?

12:36 6 A. During the investigation, I don't know. During
12:36 7 the call, again, they asked us to gather the
12:36 8 information, submit it, and they would review it.

12:36 9 And at the end, they would look at it, and
12:36 10 if there was something, then something would come out.
12:36 11 If there wasn't anything, then they would let us know.
12:37 12 But for the most part, we were just, "Here you go.
12:37 13 Here's all the information. We don't know."

12:37 14 Q. What did you -- as an investigator -- actually,
12:37 15 we haven't even gotten to your experience, but you
12:37 16 worked as an investigator prior to being captain?

12:37 17 A. Yes, I did.

12:37 18 Q. Okay. How long have you been with the
12:37 19 sheriff's office?

12:37 20 A. I started back in '94. I left in '99 for about
12:37 21 six months, came back in 2000. So if you include
12:37 22 those -- those two, close to 30 years. 31 years maybe.

12:37 23 Q. That's like right after high school, right?

12:37 24 A. I was 19 when I started at the jail.

12:37 25 Q. Okay. And during your 30 years, you worked --

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15:03 1 on the case.

15:03 2 Q. I believe you testified earlier that there was
15:03 3 confusion as to the charge in this case. Is that
15:03 4 another reason why it would be necessary to brief with
15:03 5 the DA's office?

15:03 6 A. Confusion on my part.

15:03 7 Q. Was Esmer confused?

15:03 8 A. I'm not sure.

15:03 9 MS. ALBIN: Thank you. Objection, calls
15:03 10 for speculation about whether or not Esmer was
15:03 11 confused.

15:03 12 A. I don't know.

15:03 13 Q. Was Esmer confused at the outset?

15:03 14 MS. ALBIN: Objection, calls for
15:03 15 speculation.

15:03 16 A. What do you mean by "the outset"?

15:03 17 Q. Well, I think you testified earlier that in the
15:03 18 beginning everyone was confused about -- everyone in
15:03 19 your CID was confused as to what to do with this, so
15:03 20 you called -- you, the department, called the DA's
15:03 21 office.

15:03 22 A. Yes.

15:03 23 Q. Okay.

15:03 24 A. But through me.

15:03 25 Q. Through you?

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15:03 1 A. Because I told them.

15:03 2 Q. Correct. At any point in the investigation,
15:03 3 was Esmer no longer confused about how to proceed with
15:03 4 this investigation?

15:03 5 MS. ALBIN: Objection, calls for
15:03 6 speculation.

15:03 7 A. Never told me anything.

15:04 8 Q. Did she ever come to you and say, "I got it. I
15:04 9 got it, Captain. We're going forward"?

15:04 10 A. No.

15:04 11 Q. "I'm solid on this"?

15:04 12 A. No.

15:04 13 Q. Did she ever give you any reason to believe
15:04 14 that she was unsure about charging Lizelle with murder?

15:04 15 A. No.

15:04 16 Q. What about during those -- I believe earlier
15:04 17 you testified that during -- not a meeting, but during
15:04 18 the time when y'all were in the CID room together, you
15:04 19 know, that they were looking at the code and you were
15:04 20 kind of looking at each other with just a little bit of
15:04 21 confusion and that was why it was necessary to reach
15:04 22 out to the DA's office. Is that still your testimony?

15:04 23 MS. ALBIN: Objection. That was never his
15:04 24 testimony. Misstates the previous testimony given by
15:04 25 this witness. It's an improper question.

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15:04 1 A. Can you ask the question?

15:04 2 Q. Did you testify earlier that you and the CID
15:04 3 investigators were confused about -- about this case in
15:04 4 the beginning?

15:04 5 A. Myself and Esmer and Aguirre, we were like,
15:05 6 "Okay. So what do we do?"

15:05 7 Q. And that's when -- I'm sorry.

15:05 8 A. "You know what? Let's -- let's call the DA's
15:05 9 office. Let's get them involved, because, you know,
15:05 10 we -- we need -- we need them to look at this."

15:05 11 Q. Okay. And so my question is, at any time prior
15:05 12 to the file being turned over to the DA's office, did
15:05 13 either Esmer or Aguirre come to you and say, "There's
15:05 14 no more confusion, boss. We got it"?

15:05 15 A. No.

15:05 16 Q. When this case was turned over to the DA's
15:05 17 office, is it your understanding that there was still
15:05 18 confusion as to how to proceed with this case?

15:05 19 A. Well --

15:05 20 MS. ALBIN: Objection, vague.

15:05 21 THE WITNESS: I'm sorry.

15:05 22 MS. ALBIN: That's okay. It's vague.

15:05 23 A. I don't -- I wouldn't say that there was
15:05 24 confusion anymore, because the -- the idea was just get
15:05 25 the information and turn it in.

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15:18 1 County Sheriff's Department did their duty
15:18 2 investigating the incident brought to their attention
15:18 3 by the reporting hospital. To ignore the incident
15:18 4 would have been a dereliction of their duty."

15:18 5 Do you agree with that statement?

15:18 6 A. Yes, ma'am.

15:18 7 Q. And he also goes on to say that what
15:18 8 Ms. Gonzalez -- Herrera at the time -- did was not a
15:18 9 crime. Do you agree with that?

15:18 10 A. If he puts it out like that, he's the DA, then,
15:18 11 yeah, I would agree with him.

15:18 12 Q. Okay. If there was not a crime, would the
15:18 13 sheriff's office have any authority to investigate?

15:18 14 A. If there was not a crime? Yeah. We still have
15:19 15 to investigate to figure out if there was a crime.

15:19 16 Q. To determine whether a crime was committed?

15:19 17 A. Yes.

15:19 18 Q. Okay. Did you receive any e-mails from the
15:19 19 press concerning Lizelle's arrest?

15:19 20 A. I think I did. I just didn't pay attention to
15:19 21 them. I just deleted them or whatever. It was a crazy
15:19 22 weekend.

15:19 23 Q. Did you forward them to Major --

15:19 24 A. No.

15:19 25 Q. -- or just ignore?

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15:29 1 this witness. Go ahead.

15:30 2 Q. All right. Did you have any discussions with
15:30 3 your investigators about the definition of an
15:30 4 individual for the purposes of the homicide statute?

15:30 5 A. No, ma'am.

15:30 6 Q. And, Lenard, to the best of your recollection,
15:30 7 have we discussed all of the conversations that you had
15:30 8 with ADA Barrera pertaining to Lizelle's investigation?

15:30 9 A. Yes.

15:30 10 Q. Did you have any conversations with ADA Barrera
15:30 11 following her -- following the indictment?

15:30 12 A. I don't believe so.

15:30 13 Q. Okay. Did you have any conversations with
15:30 14 anyone at the DA's office following Lizelle's arrest?

15:30 15 A. No, ma'am.

15:30 16 Q. How often did you personally update the DA's
15:31 17 office about the investigation?

15:31 18 A. None. It was always done by the investigator.

15:31 19 Q. How many conversations did you have with DA
15:31 20 Ramirez during the investigation?

15:31 21 A. Zero.

15:31 22 Q. Okay. All right. We've testified about your
15:31 23 county-issued cellular device?

15:31 24 A. Yes.

15:31 25 Q. And you said that's the only one you use for

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